



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/935,780

08/24/2001

Rong C. Fang

069116.0180

9034

50627

7590

10/31/2006

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
6TH FLOOR  
DALLAS, TX 75201

EXAMINER

MEW, KEVIN D

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/935,780

Applicant(s)

FANG ET AL.

Examiner

Kevin Mew

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 13-20 is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

*Detailed Action*

*Response to Amendment*

1. Applicant's Arguments/Remarks filed on 8/17/2006 with respect to claims 9-12, 13-16 have been considered. Claims 1-20 are currently pending.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Izawa et al. (USP 5,796,734).

Regarding claims 9 and 10, Izawa discloses an apparatus (**SMDS System**, see col. 1, lines 44-55) to perform a method for transporting a computer-readable data structure (see Figs 2 and 4), comprising:

encapsulating data in a packet (**L3-PDU**, Fig. 10), wherein the packet (**L3-PDU encapsulates a plurality of L2-PDUs**, see Fig. 10) comprises a first header section and a first payload section associated with the first header section (**L3-PDU is a packet that is composed of a plurality of L2-PDUs, comprising a header section and a payload section in the first L2-PDU called BOM, and the first header section is associated with first payload section**, see Fig. 10), a second header section, and a second payload section associated with the second header section (**comprises a second header section and a second payload section in the last**

**L2-PDU called EOM, and the second header section is associated with second payload section, see Fig. 10), and a trailer section (a trailer section of the last L2-PDU, see Fig. 10), and wherein the first header section comprises a First Service Type field (the first header of a first L2-PDU comprises an access control field to indicate an upward transmission channel; note that upward transmission channel is considered as a first service type, see col. 3, lines 61-67 and col. 4, lines 1-4 and Fig. 4) and the second header section comprises a Second Service Type field (the second header of a second L2-PDU comprises an access control field to indicate a downward transmission channel; note that downward transmission channel is considered as a second service type, see col. 3, lines 61-67 and col. 4, lines 1-4 and Fig. 4), and wherein the first payload section contains a first portion of the data (first L2-PDU contains a first payload section, see Figs. 2 and 5) and the second payload section contains a second portion of the data (second L2-PDU contains a second payload section, see col. 3, lines 61-67 and col. 4, lines 1-4 and Figs. 2 and 5);**

setting, responsive to the first portion of the data, the First Service Type field (**setting the access control field to indicate it is upward transmission channel, see col. 3, lines 61-67 and col. 4, lines 1-4);**

setting, responsive to the second portion of the data, the Second Service Type field (**setting the access control field to indicate it is downward transmission channel, see col. 3, lines 61-67 and col. 4, lines 1-4);**

transporting the packet through a communication system (**transporting protocol data units in a communication system, see col. 6, lines 46-60),**

extracting from the transported packet, responsive to the First Service Type field, the first portion of the data from the first payload section (**extracting the payload portion of the L2-PDUs in accordance with the upward transmission channel**, see col. 3, lines 61-67 and col. 4, lines 1-4); and

extracting from the transported packet, responsive to the Second Service Type field, the second portion of the data from the second payload section (**extracting the payload portion of the L2-PDUs in accordance with the downward transmission channel**, see col. 3, lines 61-67 and col. 4, lines 1-4).

Regarding claims 11 and 12, Izawa discloses a computer-readable data structure of a computer data signal, encoded on a computer-readable medium (see Figs 2 and 4), for organizing data for transport, the structure comprising:

a packet (**L3-PDU**, Fig. 10) comprises a first header section and a first payload section associated with the first header section (**L3-PDU is a packet that is composed of a plurality of L2-PDUs, comprising a header section and a payload section in the first L2-PDU called BOM, and the first header section is associated with first payload section**, see Fig. 10), a second header section, and a second payload section associated with the second header section (**comprises a second header section and a second payload section in the last L2-PDU called EOM, and the second header section is associated with second payload section**, see Fig. 10), and a trailer section (**a trailer section of the L2-PDU**, see Fig. 10), and a trailer section (**a trailer section of the L2 unit**, see Fig. 10), and wherein the first header section comprises a First Service Type field (**the first header of a first L2-PDU comprises an access control field**

to indicate an upward transmission channel; note that upward transmission channel is considered as a first service type, see col. 3, lines 61-67 and col. 4, lines 1-4 and Fig. 4), and wherein the contents of the First Service Type field are responsive to the contents of the first payload section (when access control field indicates upward transmission channel, then the contents of the access control field are responsive to those L2-PDUs that are transmitted for upward transmission, see col. 3, lines 61-67 and col. 4, lines 1-4), and the contents of the Second Service Type field are responsive to the contents of the second payload section (when access control field indicates downward transmission channel, then the contents of the access control field are responsive to those L2-PDUs that are transmitted for downward transmission, see col. 3, lines 61-67 and col. 4, lines 1-4).

***Response to Arguments***

3. Applicant's arguments filed on 8/17/2006 with respect to claims 9-12 have been fully considered but are moot in view of new ground(s) of rejection.

It is noted that L3-PDU is interpreted as a packet that encapsulates a plurality of L2-PDUs, with a first L2-PDU being comprised of/composed of a first header section, a first payload section, and the last L2-PDU being comprised of/composed of a second header section, a second payload section, and a trailer section. In light of this interpretation, L3-PDU is a packet that "comprises a first header section, a first payload section, a second header section, a second payload section, and a trailer section."

This anticipates the claimed limitations recited in claim 9. As a result, the Izawa reference does disclose a packet that comprises two header sections and two payload sections as provided by the claimed invention in claims 9-12. Therefore, claims 9-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Izawa et al.

***Allowable Subject Matter***

4. Claims 1-8, 13-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 1, a method for transporting data, comprising:

the Final Payload Count Valid field, the Final Payload Count Valid field indicating whether or not the payload section includes a Final Payload Count field, the Final Payload Count field indicating an amount of data placed in the payload section.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Seema S. Rao*  
SEEMA S. RAO 10/27/06  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Kevin Mew *KM*  
Work Group 2616